S T A T E O F N E W Y O R K

2450--A

Cal. No. 1317

2013-2014 Regular Sessions

I N S E N A T E

January 17, 2013

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to charter schools providing special education and English Language Learner services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph 2 of paragraph h of subdivision 4 of section 1950 of the education law, as amended by chapter 422 of the laws of 2012, is amended to read as follows:

(2) To enter into contracts with the United States of America, the State of New York, any school district, community college, public institution of higher education, independent institution of higher education eligible for aid under section sixty-four hundred one of this chapter, public libraries, CHARTER SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF THIS TITLE, or public agency in relation to the program of the board of cooperative educational services, and any such school district, community college, institution of higher education, CHARTER SCHOOL, or public agency is hereby authorized and empowered to do and perform any and all acts necessary or convenient in relation to the performance of any such contracts.

S 2. Paragraph (b) of subdivision 1 of section 2853 of the education law, as added by chapter 4 of the laws of 1988, is amended to read as follows:

(b) An education corporation organized to operate a charter school shall have all corporate powers necessary and desirable for carrying out a charter school program in accordance with the provisions of this article, other applicable laws and regulations and the terms of the charter,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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including all of the powers of an education corporation formed to operate an elementary or secondary school and those powers granted under the provisions of the not-for-profit corporation law that are made applicable to charter schools by section two hundred sixteen-a of this chapter. THESE POWERS SHALL ALSO INCLUDE THE ABILITY TO PROVIDE SPECIAL EDUCATION AND ENGLISH LANGUAGE LEARNER PROGRAMS AND SERVICES TO STUDENTS ENROLLED AT CHARTER SCHOOLS OPERATED BY OTHER CHARTER SCHOOL EDUCATION CORPORATIONS. The powers of the trustees of the charter school shall include those powers specified in section two hundred twenty-six of this chapter.

S 3. Paragraph (b-1) of subdivision 1 of section 2853 of the education law is amended by adding a new subparagraph (C) to read as follows:

(C) A CHARTER SCHOOL THAT PROVIDES PROGRAMS AND SERVICES TO ITS STUDENTS AT DIFFERENT LOCATIONS PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION SHALL BE DEEMED TO BE OPERATING AT A SINGLE SITE.

S 4. Paragraph (a) of subdivision 4 of section 2853 of the education law, as amended by chapter 378 of the laws of 2007, is amended to read as follows:

(a) For purposes of sections seven hundred one, seven hundred eleven, seven hundred fifty-one and nine hundred twelve of this chapter, a charter school shall be deemed a nonpublic school in the school district within which the charter school is located. Special education programs and services shall be provided to students with a disability attending a charter school in accordance with the individualized education program recommended by the committee or subcommittee on special education of the student's school district of residence. The charter school may arrange to have such services provided by such school district of residence or by the charter school directly or by contract with another provider, WHICH MAY INCLUDE ANOTHER CHARTER SCHOOL OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES. CHARTER SCHOOLS SHALL NOT BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE. A CHARTER SCHOOL MAY PROVIDE THESE PROGRAMS AND SERVICES, OR PROGRAMS AND SERVICES FOR STUDENTS WHO ARE IDENTIFIED AS ENGLISH LANGUAGE LEARNERS, ON SITE OR ARRANGE TO HAVE SUCH SERVICES PROVIDED AT ANOTHER SITE. Where the charter school arranges to have the school district of residence provide such special education programs or services, such school district shall provide services in the same manner as it serves students with disabilities in other public schools in the school district, including the provision of supplementary and related services on site to the same extent to which it has a policy or practice of providing such services on the site of such other public schools.

S 4-a. Paragraph (a) of subdivision 4 of section 2853 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

(a) For purposes of sections seven hundred one, seven hundred eleven, seven hundred fifty-one and nine hundred twelve of this chapter, a charter school shall be deemed a nonpublic school in the school district within which the charter school is located. Special education programs and services shall be provided to students with a disability attending a charter school in accordance with the individualized education program recommended by the committee or subcommittee on special education of the student's school district of residence. The charter school may arrange to have such services provided by such school district of residence or by the charter school directly or by contract with another provider, WHICH MAY INCLUDE ANOTHER CHARTER SCHOOL OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES. CHARTER SCHOOLS SHALL NOT BE ELIGIBLE FOR AID

PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE. A CHARTER SCHOOL MAY PROVIDE THESE PROGRAMS AND SERVICES, OR PROGRAMS AND SERVICES FOR STUDENTS WHO ARE IDENTIFIED AS ENGLISH LANGUAGE LEARNERS, ON SITE OR ARRANGE TO HAVE SUCH SERVICES PROVIDED AT ANOTHER SITE.

S 5. This act shall take effect immediately; provided, however, that the amendments to paragraph (a) of subdivision 4 of section 2853 of the education law made by section four of this act shall not affect the expiration and reversion of such paragraph and shall expire and be deemed repealed therewith, when upon such date the provisions of section four-a of this act shall take effect.